

REMARKS

The rejection of claim 26 for obviousness-type double patenting from the cited Cerezo Pancorbo US Patent 6,508,909 in combination with the cited Morrison, et al. patent and Holsinger patents is traversed in correspondence with the rejection of claim 26 under 35 USC 103 for obviousness from the cited Cerezo Pancorba EP Patent publication in combination with the same Morrison, et al. and Holsinger patents because, as shown by the common priorities, for example, the Cerezo Pancorbo references are the same.

The Action admits that the Cerezo Pancorbo et al. references "... do not explicitly state the surface of the tooling is a surface rough enough to promote friction in an amount effective to achieve common thermal expansion" in an autoclave cycle as characterizes the improvements of claim 26.

Therefore, the Action cites a teaching of surface roughening so "Attachment can also be enhanced ..." at col. 10, line 9, of the Morrison, et al. patent. However, the surfaces in the Morrison, et al. patent are ceramic parts that remain together in a gas turbine, and not tooling material that is not necessarily the same as composite material, such tooling and composite material also being separated in a later stage of the claimed process. Therefore, the teaching of attachment enhancement of common materials (ceramic) is not the same as effecting common thermal expansion between not necessarily the same materials only in an assembly process that includes their separation, as both distinguish claim 26.

Nevertheless, claim 26 has been re-written into Jepson or improvement form without narrowing as might invoke Festo-like limitations so that it now also requires assembling a monolithic composite structure. There is no disclosure or suggestion of this in the Morrison, et al. patent, whereby its disclosure of ceramic surface roughness was clearly selected with hindsight from the disclosure of the application, which remains improper.

... [R]ejections on obviousness cannot bwe sustained by mere conclusory statements; instead there must be some arti ulated reasoning with some underpinning to support the legal conclusion of obviousness. *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR international Co.v. Teleflex Inc.*, Fed. Reg. October 10, 2007, 57526, 57528-9.

The Action also cites a teaching of the claimed surface roughening for common thermal expansion at 150 in Fig. 2 of the cited Holsinger patent, which is described at col. 5, lines 10-17. However, 150 in the patent is rubber or gel coat, not roughening, that "... aids in removal of hinge tool ...," which teaching is away from friction enhancement or, at least, not toward it as required for a rejection.

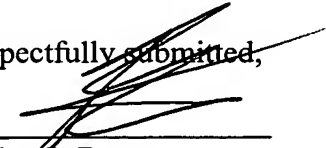
Therefore, the failure of the Cerezo Pancorbo et al. references to teach the whole claimed invention is not made up by either of the other references cited in individual or combined combination. Even it were, if the rubber of Holsinger taught the creamic of Morrison, et al. for the tool and composite material claimed, nevertheless, because

**THE CLAIMED INVENTION AS A WHOLE MUST BE
CONSIDERED MPEP 2141.02 I (emphasis original),**

such whole now including the composite material assembly process that separates the roughened members to further distinguish from the cited Morrison, et al. patent, the rejection still fails.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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